

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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IN RE WESTERN STATES WHOLESALE  
NATURAL GAS ANTITRUST  
LITIGATION,

MDL Docket No. 1566

Base Case No. 2:03-cv-01431-RCJ-PAL

**ORDER**

THIS DOCUMENT RELATES TO:  
*ALL ACTIONS*

(Mots. to Seal – ECF No. 2566, 2571)

This matter is before the court on Plaintiffs’ Motions For Leave to File Documents Under Seal (ECF No. 2566, 2571). The Motions seek leave to file under seal certain documents and exhibits referenced in the related filings. The subject documents were filed under seal because counsel for Defendants designated the documents as “confidential” pursuant to the parties’ Stipulated Protective Order (ECF No. 1147), which requires the moving parties to request permission to file such documents under seal. *See also* Protective Order Governing Confidentiality of Documents (ECF No. 1152); Dec. 24, 2015 Order (ECF No. 2257) (directing the parties to comply with the standards articulated by the Ninth Circuit in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006)). Plaintiffs expressed no opinion regarding the confidentiality of the documents.

A party (or parties) who designated documents as confidential is required to meet the *Kamakana* standards to overcome the presumption of public access to judicial files, records, motions, and any exhibits. The court will allow the subject documents to remain sealed temporarily so that the designating parties and their counsel may confer about what, if any, portions of the documents should be sealed or redacted. *See In re Roman Catholic Archbishop of Portland*, 661 F.3d 417, 425 (9th Cir. 2011) (sealing of entire documents is improper when any confidential information can be redacted while leaving meaningful information available to the


1 public). If a designating party determines that a filing or portion thereof should remain sealed, it  
2 is required to file within 14 days an appropriate memorandum of points and authorities making a  
3 particularized showing why the documents should remain under seal. Pursuant to *Kamakana* and  
4 its progeny, any request to seal must set forth either good cause or compelling reasons to support  
5 sealing. *See Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092 (9th Cir. 2016) (finding  
6 that the standards courts apply to sealing requests turn on the relevance of the documents to the  
7 substantive merits of a case—not on the relief sought).

8 Accordingly,

9 **IT IS ORDERED:**

- 10 1. Plaintiffs' Motions for Leave to File Documents Under Seal (ECF Nos. 2566, 2571)  
11 are DENIED WITHOUT PREJUDICE.
- 12 2. The Documents / Exhibits referenced in the Motions shall remain under seal until  
13 **September 28, 2016**.
- 14 3. The designating party (or parties) shall have until **September 28, 2016**, to file a  
15 memorandum of points and authorities and any supporting declaration or affidavit to  
16 make a particularized showing as to why the documents should remain under seal.
- 17 4. If the designating party (or parties) fails to timely comply with this Order, the Clerk  
18 of the Court will be directed to unseal the documents to make them available on the  
19 public docket.

20 Dated this 13th day of September, 2016.

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23 PEGGY A. TEEN  
24 UNITED STATES MAGISTRATE JUDGE  
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